IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 13211 of 1998

Between:

M/s.Laxmi Floor Mill, rep. by Sri Veeramalla Venkat Rao, Managing Partner, Brahmananagudem, Chagallu Mandal, W.G. District.

..... PETITIONER

AND

1. Chief Engineer, Electricity (Operations), A.P.S.E.B., Vijayawada Zone, Vijayawada, Krishna District.

2. Superintending Engineer, Assessment Circle, APSEB, Vijayawada-520 002, Krishna District.

3. Assistant Divisional Engineer, APSEB, DPE-1, Eluru, W.G. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction especially one n the nature of writ of Mandamus declaring that the final assessment order of the 2nd respondent dt.23.03.1998 confirming the Provisional Assessment of the third respondent and for directing the petitioner to pay Rs.13,08,503/- as illegal, arbitrary and violative of Article 16 of the Constitution of India and further declare that the petitioner is entitled to get his appeal decided without depositing the amount indicated in the final assessment order.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and Smt.M.Vinobha Devi, the learned Standing Counsel appearing for the respondents.

The petitioner, who is running a rice mill, seeks to assail the impugned assessment made by the respondents herein in regard to certain allegations made against him which have been found during the inspection conducted on 03.11.1997 and 06.11.1997.

It is seen from the material that even though initially a provisional assessment was made at Rs.13,08,498/-, however, on appeal, the appellate Court has drastically reduced the same to Rs.93,854/- by taking into consideration the submissions made on behalf of the petitioner.

Having regard to the same, I do not find any reason to vary with either the amount as arrived at or even with regard to the finding as given by both the authorities. Accordingly, the writ petition is dismissed. No costs.

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09.12.2004

VGB

To

1. The Chief Engineer, Electricity (Operations), A.P.S.E.B., Vijayawada Zone, Vijayawada, Krishna District.

2. The Superintending Engineer, Assessment Circle, APSEB, Vijayawada-520 002, Krishna District.

3. The Assistant Divisional Engineer, APSEB, DPE-1, Eluru, W.G. District.

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